

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 108/2013

Shri Pankaj Kiran Larokar
Gurunanak Ward, Ganeshnagar
Gondia
Dist.Gondia

Complainant

,,VS.,

1. Executive Engineer,
MSEDCL,O&M Division,
Gondia.
2. Executive Engineer/Nodal Officer,
I. G. R. C., Circle Office,
MSEDCL,Gondia.

Respondents

Applicant represented by	1) Shri Kiran K.Larokar, father of the applicant 2) Shri K.S.Parihar, Authorized representative
Respondents represented by	1) Shri Y.D.Meshram, Executive Engineer, Gondia. 2) Shri Abhay Meshram, UDC, Gondia.

CORAM:

Shri Vishnu S. Bute, Chairman.
Adv. Gauri D. Chandrayan, Member
Ms. S. B. Chiwande, Member-Secretary.

JUDGEMENT

(Delivered on this 16th day of January, 2014)

2. Shri Pankaj Kiran Larokar r/o. Gurunanak Ward, Ganeshnagar, Gondia (hereinafter referred to as, the applicant) has a commercial connection of the distribution licensee MSEDCL (hereinafter referred to as, the respondent). It is the contention of the applicant that the respondent illegally disconnected his power supply. So he claimed compensation. He approached IGRC Gondia. His application had been dismissed vide order passed under no.SEG/Tech/3425 dated 09-10-2013. Feeling aggrieved by

the aforesaid order, the applicant presented the instant application under the provisions of regulation 6.4 of the MERC (CGRF and EO) Regulations 2006 on 09-12-2013.

3. A copy of the application was given to the respondent. The respondent was directed to submit parawise reply. The respondent submitted reply under no.EEG/Tech/7688 dated 01-01-2014. The case was fixed for personal hearing on 13-01-2014. Shri Kiran Kesharao Larokar, father of the applicant and Shri K.S.Parihar, an authorized representative were present for the applicant. Shri Y.D.Meshram, Executive Engineer, Gondia & Shri Abhay Meshram, UDC represented the respondent. Both the parties were heard.

4. Shri Parihar argued that the applicant took a connection for the commercial purpose on the ground floor. The connection was released on 22-11-2009 and his consumer no. is 430010423028. The applicant built a building on a open plot. Before the existing connection there was no connection in his name. It is not true that the premises presently occupied by the applicant were previously owned by Mr. Joseph. In fact the plot was previously owned and possessed by Smt. Pramilabai Larokar. Smt. Pramilabai Larokar purchased the plot from one Karim ali Bande ali.

He is paying the electricity bill regularly. He deposited Rs.1820/- on 29-05-2013 as his bill for May 2013. Respondent disconnected the supply of the applicant on 04-06-2013 at about 3.00 p.m. He filed a complaint. However no cognizance was taken. His supply was reconnected on 08-06-2013.

During this period as there was no power supply so he had to close his shop. He had to suffer a monetary loss. So Rs.20,000/- may be awarded towards this loss. As it was a summer, he had to hire a generator. He had to pay the charges. Suitable compensation may be awarded in this regard. The applicant had no power supply for 96 hours. So a compensation @ Rs.50 per hour may be awarded as the respondent failed to attend fuse off call within the stipulated period.

He approached IGRU Gondia. However without proper appreciation of the facts on record the IGRU passed the order. The order is not just and proper. The applicant requested for relief as stated above.

5. In reply Shri Meshram, Executive Engineer, stated that in the premises present occupied by the applicant an electricity connection no.430010059181 was provided. It was in the name of one Mr.P.C.Joseph. There were arrears of Rs.95,975/- against this connection. This connection had been permanently disconnected from 19-10-2010. As the premises came to the present applicant, he was responsible for the arrears amount. So MSEDCL employees disconnected power supply of connection no.430010423028. Shri Larokar (respondent has not mentioned, Shri Pankaj Kiran Larokar – the applicant) deposited the arrears amount. The amount was deposited on 08-06-2013. So power supply was reconnected immediately.

The action taken by the respondent is proper. The application has no force. It may be dismissed.

6. We have perused the record. We have heard the arguments advanced by both the parties carefully.

Before coming to the final conclusion, we have considered the following points,

(1) There are in all three power connections in the alleged premises. (1) Shri Ravindra Kesharao Larokar con.no.430010423001, (2) Shri Kiran Kesharao Larokar con.no.430010423010, (3) Shri Pankaj Kiran Larokar con.no.430010423028. This shows that these are three independent and isolated families. There is nothing on record as to why the responsibility of arrears was fixed on all the three consumers and the action was taken against all the three.

(2) An electricity connection to the present applicant was given on 22-11-2009. Whereas the connection standing in the name of Shri P.C.Joseph was permanently disconnected on 19-10-2010. That means when a connection was given to the applicant, the connection of Shri Joseph was in existence. In such circumstances it is not proper to fix the responsibility of arrears standing against Shri Joseph on the applicant.

(3) The respondent pursued the recovery of amount standing against Shri Joseph. Shri Ravindra Kesharao Larokar gave a cheque bearing no.269029 dated 31-10-2009. The cheque was dishonoured. Shri Ravindra Larokar paid the penalty therefor.

Finally on 06-06-2013, Shri Ravindra Larokar gave a cheque of Rs.96,000/- towards the full and final payment of the arrears amount.

This shows that the respondent was aware that Shri Ravindra Larokar is responsible for the arrears. So there was no necessity to take action against Shri Kiran and Shri Pankaj.

(4) The respondent gave a notice of temporary disconnection under no.DyEE/Sub Dn(U)/Gondia/REV/2335 dated 16-03-2013. The applicant replied the notice on 01-06-2013. He had clearly mentioned that Smt. Pramilabai Larokar purchased the plot from one Shri Karim ali Bande ali. Shri Joseph had no interest in the plot. It was an open plot. There was no power supply / connection in the plot. There is nothing on record that the respondent verified the contents anyway.

(5) The applicant produced the bill for the month May 2013. The bill is of Rs.1820/-. The applicant deposited the bill on 29-05-2013. No arrears are shown in the bill. When the bill is fully paid and there were no arrears shown as recoverable, it was not proper to disconnect the supply of this connection.

In view of the facts and circumstances discussed above, we are of the considered opinion that the action of respondent to disconnect the power supply of the applicant was clearly illegal, of high handedness and totally in misuse of power.

7. The applicant requested for compensation firstly, for non attending his fuse off call. The definition of, " fuse off call " as given in, The MERC (standards of performance of Distribution licensees, period for giving supply and determination of compensation) Regulations 2005 is as follows,

" Fuse off call ", refers to a complaint handling procedure with regard to an individual consumer and involving restoration of supply by replacement of a fuse at such consumer's premises, not simultaneous with any other failure.

On perusal of the definition, it is seen that it refers to restoration of supply disrupted due to any problem. In the instant case there was no system defect but the

respondent intentionally disconnected the power supply. So we are not inclined to grant any compensation on this count.

8. The applicant also claimed damages as he had to close his shop as there was no power supply. The applicant may approach the appropriate authority for relief.

In view of the above discussion we pass the following order,

ORDER

- i) Application No.108 of 2013 is hereby dismissed.
- ii) The parties to bear their own cost.

Sd/-
(Adv.Gauri D.Chandrayan)
MEMBER

Sd/-
(Ms.S.B.Chiwande)
MEMBER SECRETARY

Sd/-
(Vishnu S. Bute)
CHAIRMAN

CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR
(Nagpur Dtd. 16th day of January, 2014)

CONSUMER GRIEVANCE REDRESSAL FORUM
NAGPUR ZONE (RURAL) M. S. E. D. C. L.

Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
NAGPUR – 440013

Email.id- cgrfnz@mahadiscom.in
cgrfnz@gmail.com

(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 16th January, 2014 in Case No.108 / 2013 is
enclosed herewith.

Member-Secy/ Exe.Engineer,
C.G.R.F.(NZ)MSEDCL
N A G P U R

To,
Shri Pankaj Kiran Larokar, Gurunanak ward, Ganeshnagar, Gondia, Dist.Gondia

Copy s.w.r.to :-

1. The Chief Engineer(NZ), MSEDCL, Vidyut Bhavan,Katol Road, Nagpur.

Copy f.w.cs.to:

1. The Executive Engineer/Nodal Officer., O&M Circle Office, MSEDCL.Gondia
2. The Executive Engineer,C.C.O&M Dn., MSEDCL, Gondia
for information and necessary action.

Address of the Electricity Ombudsman is given as below.

Office of - The Electricity Ombudsman,
12, Srikrupa, Vijay Nagar,
Chhaoni, Nagpur-440 013
0712-2596670